

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

PRISCILA L. LOZANO,

Plaintiff,

v.

SOUTH TEXAS FEDERAL CREDIT UNION,

Defendant.

Case No. 7:19-cv-00399

Honorable Judge Micaela Alvarez

PLAINTIFF'S COUNSEL'S MOTION TO VACATE

NOW COMES Plaintiff's Counsel Alexander J. Taylor ("Mr. Taylor") moving the Court to vacate the entered second order for sanctions. In support thereof, Plaintiff states as follows:

1. On March 9, 2020, this Honorable Court entered an order demanding seven hundred dollars (\$700) in sanctions be paid to the Court by April 3, 2020. [Dkt. No. 20].

2. On April 2, 2020 at 9:44am CST, Laura Dixon ("Ms. Dixon"), a paralegal at Plaintiff's law firm, contacted the Clerk of the court and asked if the Correspondence address provided on the website was the correct address to send the check. The Clerk answered in the affirmative. *See Exhibit A, the Affidavit of Laura Dixon.*

3. Immediately thereafter, Ms. Dixon prepared a shipping label and caused to be sent a check in the amount of \$700 to this Honorable Court via overnight UPS. *See Exhibit B, a True and Correct Copy of the Check and Shipping Label.*

4. On April 10, 2020, this Honorable Court entered an order stating that Mr. Taylor failed to pay the sanctions required in the Court's previous order. [Dkt. No. 21].

5. Immediately, Ms. Dixon reviewed the provided UPS tracking number, and saw that while the check had travelled to McAllen, it was unable to be delivered to the Correspondence address. *See Exhibit C, A True and Correct Copy of The UPS Tracking Information.*

6. Subsequently, Ms. Dixon contacted the Clerk of the Court and asked if there was a different address to send the sanctions, as the original mailing was not signed for. The clerk provided the main address and stated someone would be able to sign for it there.

7. Following this conversation, Ms. Dixon prepared a shipping label and check in the amount of one thousand four hundred dollars (\$1,400) in compliance with the Court's second order for sanctions. *See Exhibit D, a True and Correct Copy of The Label and Check Mailed April 10, 2020.*

8. Plaintiff's counsel intended no delay in complying with the Court's orders and truly apologize for all inconveniences I have caused this Honorable court.

9. Plaintiff's counsel will ensure nothing of the sort happens again for the duration of this case.

10. Plaintiff's counsel prays that this Honorable Court will refund Plaintiff's Counsel seven hundred dollars (\$700), and not punish Plaintiff's counsel's for the first check not being delivered properly.

WHEREFORE, for the reasons stated herein, Plaintiff respectfully requests this Court grant Plaintiff's Counsel's Motion to Vacate.

Dated: April 10, 2020

Respectfully submitted,

s/ Alexander J. Taylor
Alexander J. Taylor, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of Texas by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Alexander J. Taylor
Counsel for Plaintiff